

# FALK & FISH

ROBERT HARDY FALK, P.C.  
RONALD C. FISH, P.C.

G BYRON JAMISON, SPECIAL COUNSEL

ATTORNEYS AND COUNSELORS  
INTELLECTUAL PROPERTY LAW

ATTORNEYS AT LAW  
A TEXAS LIMITED LIABILITY PARTNERSHIP  
CHATEAU PLAZA  
2515 MCKINNEY AVE, SUITE 1565  
DALLAS, TEXAS 75201  
TELEPHONE (214) 954-4400  
FACSIMILE (214) 969-5941  
Internet: <http://www.patent.net>  
EMail: [falk@patent.net](mailto:falk@patent.net)

OFFICES IN DALLAS, TEXAS  
AND SAN JOSE, CALIFORNIA

MAILING ADDRESS  
P.O. BOX 794748  
DALLAS, TEXAS 75379

28 P3  
#30 / Ltr. &  
Fourth  
Supl  
Statement  
of Prior Art  
1-30-0  
L. Spruel

September 29, 2000

**VIA FEDERAL EXPRESS**

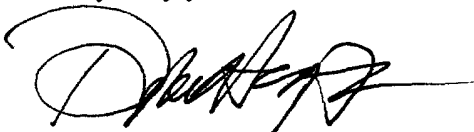
Examiner Stephen Funk  
United States Patent and Trademark  
Office Group 2854  
Room 9D35 - Crystal Plaza IV  
Arlington, VA 22202

Re: *Bill L. Davis, et al*; United States 09/315,796  
Our File No. Will 2501

Dear Examiner Funk:

Enclosed please find a Fourth Supplemental Statement of Prior Art and Other  
Information with Supporting Declaration of Prince.

Very truly yours,



Robert Hardy Falk

RHF:ac1  
Enclosures

09/315,796-037304

RECEIVED  
OCT - 2 2000  
TECHNOLOGY CENTER 2800

RECEIVED  
OCT -2 2000  
TECHNOLOGY CENTER 2800

Sir:

On August 11, 1994 in the concurrent Dallas litigation, a deposition was taken of Steve Garner, former President of PRI. Garner disclosed the existence of a brochure of a Canadian company in the Providence of Quebec, RDP, which brochure Garner indicated he thought taught in the "mid-1990's" a press where flexo station could be put "at any point" (Garner Deposition, p. 36). Garner indicated protestors' counsel had been given the brochure long ago, and that he had put the brochure "in an envelope probably two years ago". Garner Deposition, p. 38.

Despite our repeated request of protestors' counsel to turn over any possible relevant prior art, we again had to request counsel for pertinent art not previously considered by the PTO, including the brochure. Weeks later, the RDP brochure was "found" and belatedly produced by counsel. The brochure thereafter used by PRI in the deposition of John Bird (September 12,

2000).

Apparently Protestor PRI is playing a bizarre game - it is contending DeMoore and/or Rendlemen invented the '363 process - - and that if so reissue applicants' employer assigned the '363 process, WPC, is "infringing (count II)" its own patent - - but that if the PRI employees did not "invent" the '363 process, [it will contend] the '363 patent is invalid over the prior art.

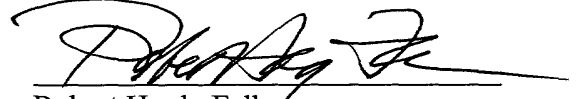
Examination of the RDP brochure (**Exhibit A** of the Prince Fourth Supplemental Declaration, attached) shows no such clear interstation flexographic teaching. The brochure may indicate it was printed in August, 1994. Nowhere is it indicated in the brochure when the brochure is distributed to the public.

Reissue applicants contend that the brochure is clearly not prior art under 35 U.S.C. § 102(b).

Furthermore, for the reasons provided by expert Prince in his FOURTH SUPPLEMENTAL DECLARATION, the brochure is not material, regardless of when it was published - - which, again, is unknown. The brochure does not clearly teach interstation development of a flexographic step. Furthermore, no interstation drying step is taught for such a step. Finally no motivation is given the artisan why, in a web-press soup-can printing operation, an interstation flexographic station would be needed in 1994, or even desired.

A PTO-1449 form is attached.

Respectfully submitted,



Robert Hardy Falk  
Registration No. 27,877  
FALK & FISH, L.L.P.  
A Texas Limited Liability Partnership  
P.O. Box 794748  
Dallas, Texas 75397  
Telephone: (214) 954-4400  
Facsimile: (214) 969-5941

11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525  
 526  
 527  
 528  
 529  
 530  
 531  
 532  
 533

William D. Harris, Jr., Esq.  
Locke Lidell & Sapp LLP  
2200 Ross Avenue, Suite 2200  
Dallas, Texas 75201-6776

PATENT  
Our File: Will 2501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue of Application of:  
BILL L. DAVIS and JESSE S. WILLIAMSON

For Reissue of U. S. Patent 5,630,393  
Issued May 20, 1997  
Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No: 09/315,796

For: COMBINED LITHOGRAPHIC/  
FLEXOGRAPHIC PRINTING  
APPARATUS AND PROCESS

Group Art Unit:  
854  
RECEIVED  
FILED  
OCT 2 2000  
TECHNOLOGY CENTER 2800

FOURTH SUPPLEMENTAL DECLARATION OF RAYMOND J. PRINCE

I, Raymond J. Prince, declare and state under penalties of perjury the following.

1. I am the same Raymond J. Prince who has testified in previous declarations and wish to reaffirm my previous, sworn testimony.
2. I have been provided a copy of a brochure, Exhibit "A" hereto (the "RDP brochure") entitled "LF•200 Litho/Flex Press" by RDP Marathon, Inc., a foreign corporation said in the brochure to have been located at 2583 Chomedey Blvd., Laval (Montreal) Quebec H7T 2R2 Canada.
3. I am not sure from the brochure when it was printed, let alone distributed to the public. From the notation "94-08-5M", it appears 5000 copies might have been printed in August, 1994.
4. I have studied the RDP fold-out brochure, which when copied on 8-1/2" sheets amounts to six sheets and neither (a) the diagram on 1.6 above the heading "General Specifications" with the RDP addresses nor (b) the picture at the top of pages 2-4 teach a press having an interstation flexographic "station". The diagram on page 6 above "General Specifications" clearly shows a press with a flexographic station. The fold-out diagram (pp 2-4)

09315796-052301

also does not teach, in my opinion a interstation flexographic step. The two canisters at the bottom of the diagram on pp 2-3 could be supplying any type of ink, grease, varnish, coating or other liquid. They canisters could be anything.

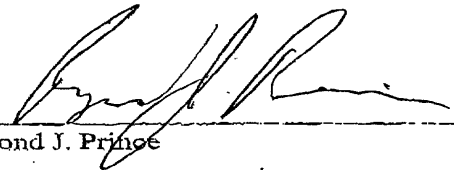
5. I note the language below the diagram at page 2 "interchangeable web offset and flexo graphic printing inserts. Does the quoted portion teach replacing any interstation offset unit with any interstation interchangeable flexo unit? Not, unless by hindsight. The picture on page 2 of the press could teach anything the reader wants it to teach by hindsight. It could read as showing a lithographic station and UV drying, or it could be read advantageously by an adversary of the '363 patent as teaching interstation flexography. No reason is given anywhere in the brochure why one would want to go "upstream", "up front" in a lithographic press with a flexo unit, as there is no express teaching of interstation drying for flexography, or for that matter, printing flexo on top of litho.

6. I called RDP in Canada and spoke to one of its representative. He said the press is still being made and is available in a 20" width with various cutoff lengths. I asked him if the flexo units are popular and the answer was yes. I asked if the flexo units were usually running waterbased materials or UV - answer was only UV inks or UV coatings. I asked the usual position of the flexo units - his answer was the last one or two units. I asked if they had ever made or sold a press with the flexo unit as the first unit - answer was no but he felt it could be done. I asked if the flexo units were ever placed mid press- answer was that he was not sure if they had ever done that. The representative told me he has never seen flexo run "up front", and seemed to be surprised at my question. I take it from my conversation with this Canadian national that he had never delivered an LF-200 with an interstation flexo unit need "up front" to a customer in the United States or elsewhere.

7. One must remember that this is a web packaging press in which heavy coverage is normally applied to low surface strength paper or board at the end of the printing process. The intended purpose for this press is *commodity packaging*, i.e., soup cans. Note the soup can

photos on page 5 of Exhibit "A". The purchaser of the press in late 1994 would have no reason to ever conceive by putting flexo down first to print a dot. In fact, the heavier coverages associated with the flexo process, in 1994, are and still today, best employed downstream.

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believe to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

  
Raymond J. Prince

Date:

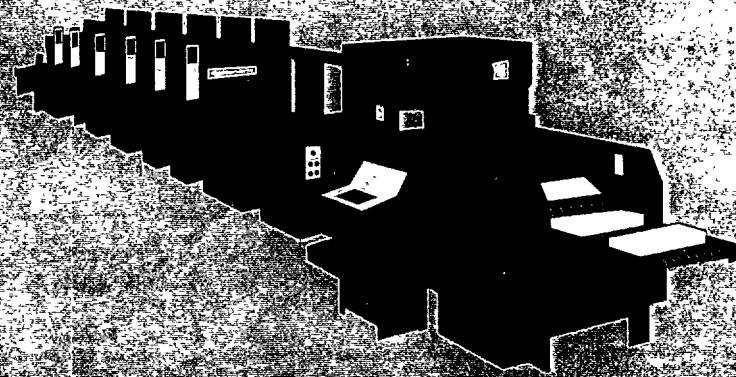
9/27/2000

0915790-053301  
107250-9675760

# LF • 200

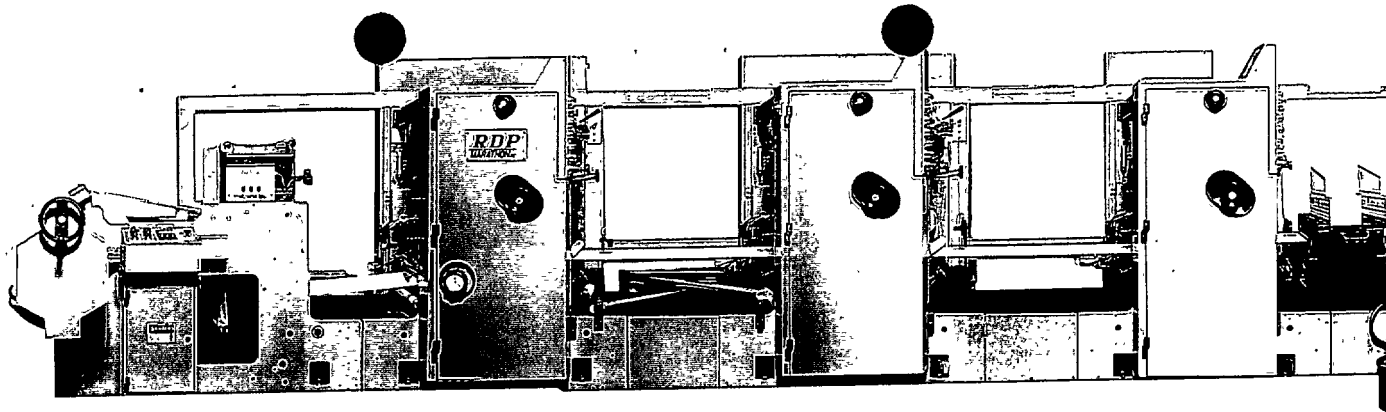
LITHO/FLEXO PRESS

FOE250 "LINE SPEED"



FOR LABELS AND FOLDING CARTONS

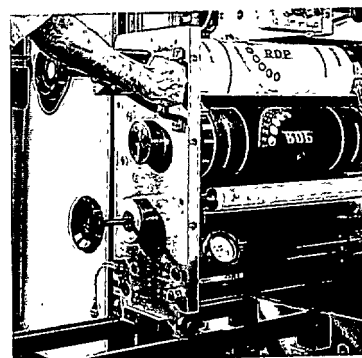




# LF•200 LITE

The LF•200 litho/flexo combination press has been designed specifically to extend your reach into the label and folding carton market. Interchangeable web offset and flexo printing inserts—which change over in minutes without tools—provide the flexibility you need to keep production rates high. Cutoffs range from 14 to 28"/355 to 711mm, further increasing flexibility, and giving you the ability to bid on a wider range of work.

The LF•200 is available in configurations of up to 10 standard printing units with traditional finishing stations for punching, perforating, rewinding, sheeting, and folding. As a basic forms/label press, the LF•200 offers the best in narrow web offset technology. Add to this proven flexo capabilities, and you have a fast return on investment and a new capacity to compete!



## Flexo Station

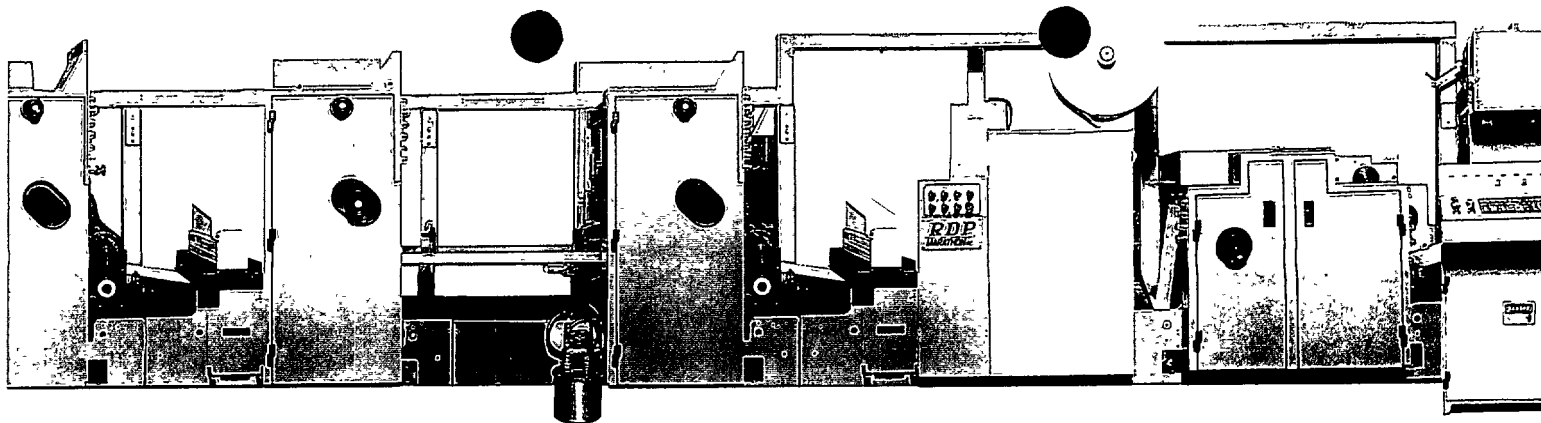
In a flexo configuration, the LF•200 will print on film, paper, light paperboard, and pressure sensitive stock, while achieving the high quality your customers require. Standard finishing options include die cutting and UV or aqueous-based coating. Perforating and embossing stations are also available.

Changing over to flexo is safe, and easy. No tools are required. Roll-out cartridge trolleys allow you to make room or clean up off press for maximum efficiency.

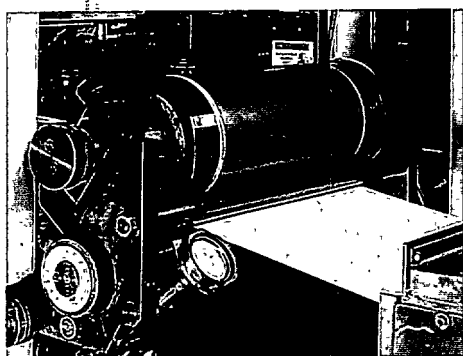
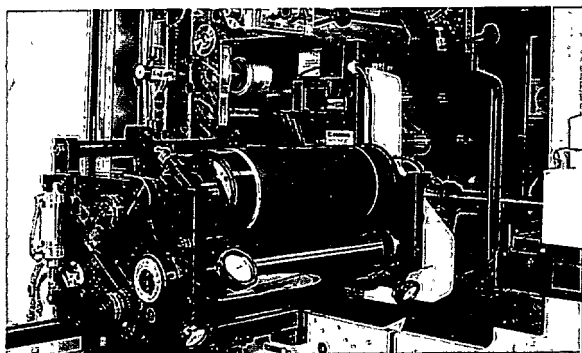
The LF•200 also gives you the ability to switch between a conventional metering roll with reverse angle doctor blade and a full enclosed doctor blade. Choose

**RDP**  
MARATHON<sup>INC.</sup>

RELIABLE DURABLE PRECISION



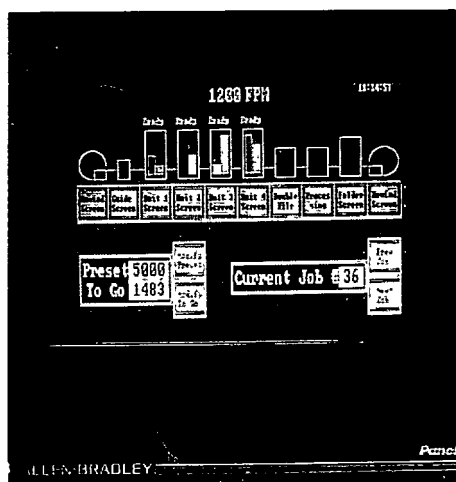
# O/FLEXO CAP



most appropriate technique for the job at hand. Rigid stops eliminate plate bounce up to 800 fpm/244 mpm. Both linear and lateral register can be adjusted while running.

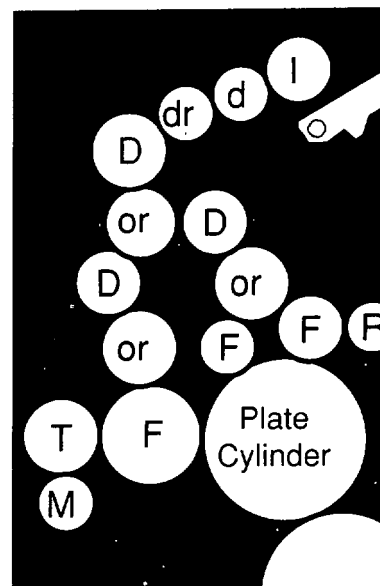
## Flexo Station Specifications

Maximum web width	20.50" / 521mm
Side adjustment	0.25" / 6mm
Linear adjustment	360°
Plate repeat range	12-24" / 305-610mm
Anilox roll size (circ.)	17.00" / 432mm



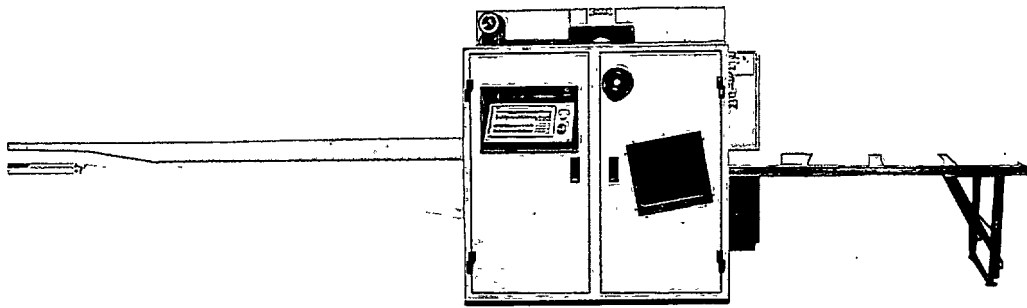
## Simple operation

Your operators need simple, time-saving controls. Our electronic control system features an easy-to-read, easy-to-use touchscreen graphic display and provides central control of virtually all press functions *plus* integration with management software. Set-up is faster, it's easier to monitor the run, and production stays on schedule—all observable from the front office. Open ended architecture means this control system won't become obsolete: it can be simply and economically upgraded at any time.

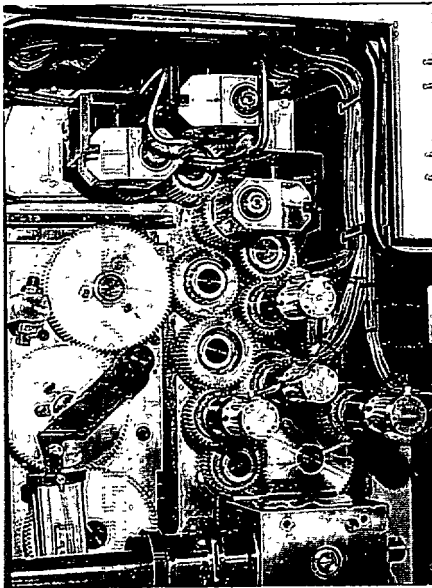


## High Speed

The Maraflo™ 3-form inker, integrated dampener ensures commercial quality at speeds up to 1000 fpm/300 mpm. High speed, combined with fast make ready, makes the LF•200 extremely profitable on short and medium runs.

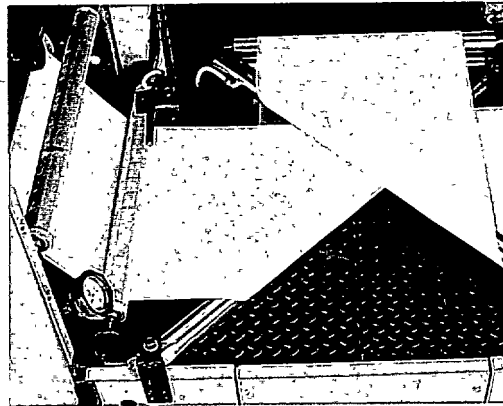


# ABILITIES



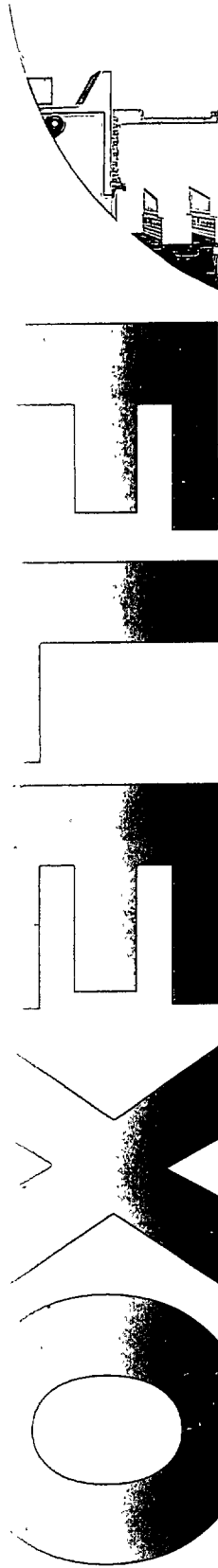
## Rigid Construction

The LF•200 has been designed to run at maximum speed, shift after shift. Steel side frames ensure a stable press which contributes both to durability and to more accurate impressions. Meticulous machining of the AGMA 12 gear train contributes as well to reliable high performance. Listen to the LF•200 in operation—it doesn't roar; it whispers!



## Optional Equipment

- Automated ink key control
- Centralized register control
- Reversible die cut station
- Web monitor
- Turn bars
- Spiral folder
- Sheeter
- UV curing system
- Waterless ready
- Ink agitators
- Ink levelers
- And much more...



es you  
een a con  
oll with rev  
ade and a ful  
or blade. Choos



Acrylic Latex  
Grout Additive

Campbell's  
FOOD SERVICE PACK  
CONDENSED

DESSERT  
MIX

Oetker



CRÈME CARAMEL

MÉLANGE  
À DESSERT

SAN PELLEGRINO S.P.A. - MILANO - ITALIA

PELLEGRINO

ACQUA MINERALE NATURALE FRIZZANTE



ITALIA

Maxim  
Side adj  
Linear adj  
Plate repeat  
Anilox roll size

CROSSE &  
BLACKWELL

CHOCOLATE FLAVORED  
NUT LOAF

Made With  
Brazilian Cashews

105g POIDS  
3.7 OZ NET

Lindt  
CHOCOLETTI

Swiss®  
Dark Chocolate

Chocolat  
suisse noir

18 pieces with  
Mint Cream Filling

NET WT 3.5 OZ 100 g

18 pièces fourrées  
de crème de menthe

Swiss® Dark Chocolate 18 pieces with Mint Cream Filling

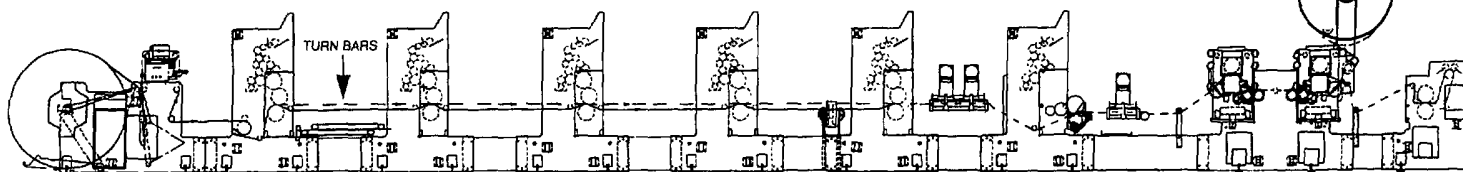
UNWIND WEB  
50" DIA. GUIDE

1ST PRINT UNIT  
& INFEED

WET OFFSET PRINT UNITS

PRINT UNIT  
(FLEXO INSERT  
SHOWN)

2 DIE CUT  
UNITS/MATRIX  
REWIND



## General Specifications\*

	Inches	mm
Maximum web width	20.50	521
Maximum print width	20.00	508
Side adjustment	0.25	6.0
Linear adjustment	360°	
Litho repeat range	14 to 28	355 to 711
Flexo repeat range	12 to 24	305 to 610

\*Specifications are subject to change without notice.

## Quality built for the long run from RDP Marathon Inc.

RDP Marathon specializes in technical and custom engineering dedicated to quality web printers. Our goal is to serve your needs in both traditional and innovative product areas. In response to the competitive challenges you face today—and will face in the future—our family of presses offers a wide range of capabilities supported by the creative thinking that enhances your productive capacity. The SR•200, the RDP•200, and the RDP•300 series of presses provide printers with the ability to serve existing markets while exploring rapidly emerging value-added segments.

The standard of excellence established by engineering is maintained in the making of our presses, so that the high quality printer is assured of reliability, durability, and precision. We will settle for no less than your complete satisfaction with every RDP Marathon press—from customization, through installation, to after sale support.

RDP Marathon Inc.  
2583 Chomedey Blvd., Laval (Montreal)  
Quebec H7T 2R2 Canada  
Phone: (514) 687-7262 Fax: (514) 687-2558

